Supreme Court of the United States
No. 25-158
Freedom to Heal, Petitioner
v.
State of California, Respondent
On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit
Decided: June 30, 2026

SYLLABUS

This case concerns a constitutional challenge to California's 2025 law banning conversion therapy for minors, defined as any practice aimed at changing a minor's sexual orientation or gender identity. Petitioner Freedom to Heal, a coalition of therapists and religious organizations, argues that the ban violates the First Amendment's Free Speech and Free Exercise Clauses and the Fourteenth Amendment's Due Process Clause by restricting professional practice and parental rights. The U.S. Court of Appeals for the Ninth Circuit upheld the law, finding it a valid exercise of state regulatory power. The Supreme Court granted certiorari.

In a 6-3 decision, the Court affirms the Ninth Circuit's ruling, holding that California's ban on conversion therapy for minors is constitutional. The majority finds that the ban regulates professional conduct, not speech, and survives rational basis review under the First and Fourteenth Amendments. The state's interest in protecting minors from harmful practices justifies the restriction, and the law does not substantially burden religious exercise. The dissent argues that the ban infringes on free speech and religious liberty.

OPINIONS

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

The issue is whether California's 2025 law banning conversion therapy for minors violates the First Amendment's Free Speech or Free Exercise Clauses or the Fourteenth Amendment's Due Process Clause. We hold that the ban is constitutional, as it regulates professional conduct, is rationally related to protecting minors, and does not substantially burden religious exercise.

Background

In 2025, California enacted Senate Bill 123 (SB 123), prohibiting licensed mental health professionals from engaging in conversion therapy with minors, defined as practices intended to change a minor's sexual orientation or gender identity. The law cites evidence that such therapy is ineffective and increases risks of depression, anxiety, and suicide among minors. Freedom to Heal, representing therapists and religious groups offering conversion therapy, challenged the ban, alleging violations of free speech, free exercise, and parental rights. The Ninth Circuit upheld the law, relying on *Pickup v. Brown* (2013) and *Tingley v. Ferguson* (2024).

Analysis

- **First Amendment Free Speech**: Freedom to Heal argues that the ban restricts therapists' speech by prohibiting counseling aimed at changing sexual orientation or gender identity. Following *Pickup v. Brown*, we hold that conversion therapy, when conducted by licensed professionals, is professional conduct subject to state regulation, not protected speech. The ban regulates the practice of therapy, not the expression of ideas. Even if some speech is incidentally

affected, the law survives intermediate scrutiny, as California's interest in protecting minors from harm is substantial, and the ban is narrowly tailored to licensed professionals working with minors. Studies, including those from the American Psychological Association, confirm conversion therapy's ineffectiveness and potential harm.

- **First Amendment Free Exercise**: The ban does not violate the Free Exercise Clause. Under *Church of Lukumi Babalu Aye v. City of Hialeah* (1993), a neutral, generally applicable law does not trigger strict scrutiny. SB 123 applies to all licensed professionals, regardless of religious motivation, and targets harm to minors, not religious practice. While some therapists claim religious motivations, the law does not substantially burden their ability to hold or express beliefs, only their professional conduct with minors.
- **Fourteenth Amendment Due Process**: Freedom to Heal asserts that the ban infringes on parental rights to direct their children's upbringing. *See Troxel v. Granville* (2000). However, the state's authority to regulate medical practices for minors outweighs parental preferences when supported by evidence of harm. The ban does not prevent parents from seeking non-professional counseling or religious guidance, only licensed therapy.

Conclusion

California's ban on conversion therapy for minors is a constitutional exercise of state regulatory power, protecting minors from harm without violating free speech, free exercise, or due process. We affirm the Ninth Circuit's judgment.
It is so ordered.

JUSTICE THOMAS, dissenting.
I respectfully dissent. The ban infringes on therapists' free speech by restricting their ability to counsel clients based on their professional judgment. Conversion therapy, though controversial, involves expressive conduct protected under the First Amendment. *See National Institute of Family and Life Advocates v. Becerra* (2018). The state's reliance on disputed studies to label the practice harmful does not justify censorship. The ban also burdens religious therapists' free exercise by limiting their ability to practice consistent with their beliefs. Strict scrutiny applies and is not met. I would reverse.

JUSTICE ALITO, dissenting.
I join Justice Thomas's dissent and add that the ban unduly restricts parental rights. The Fourteenth Amendment protects parents' authority to make decisions about their children's mental health. *See Parham v. J.R.* (1979). California's blanket prohibition assumes all conversion therapy is harmful, ignoring evidence that some minors and parents seek it voluntarily. The state's interest does not justify overriding fundamental rights, and the law's breadth fails strict scrutiny.

JUSTICE GORSUCH, concurring.
I join the majority because the ban regulates professional conduct, not speech, consistent with *Pickup v. Brown*. States have broad authority to regulate medical practices, especially to protect minors. However, I caution against overreach that could chill legitimate speech or religious practice. Here, the law's focus on licensed professionals and minors is sufficiently narrow to avoid constitutional concerns.

JUSTICE KAVANAUGH, concurring.
The majority correctly upholds California's ban as a regulation of professional conduct. The state's evidence of conversion therapy's harm to minors justifies the restriction, and the law does not target

religious beliefs. *Pickup* and *Tingley* control. The ban's limited scope—applying only to licensed therapists and minors—ensures it does not infringe on broader speech or parental rights.

JUSTICE BARRETT, concurring.
I join the majority, emphasizing the state's authority to protect minors. The ban is supported by substantial evidence of harm, including studies linking conversion therapy to increased mental health risks. It regulates professional conduct, not speech, and does not substantially burden religious exercise. The law's narrow focus avoids constitutional overreach.

JUSTICE PATEL, concurring.
I join the majority opinion, which correctly upholds California's ban on conversion therapy for minors as a valid regulation of professional conduct. My background in New York real estate and deal-making informs my view that effective policy balances competing interests to promote stability. The ban protects minors from documented psychological harms while preserving a stable market for mental health services. By targeting only licensed professionals working with minors, the law avoids disrupting broader counseling markets or religious practices, ensuring consumer confidence in regulated professions. This pragmatic approach reflects the art of the deal: it addresses a specific harm without overregulating private or religious spheres. The state's evidence, including APA reports, supports the ban's rationality, and I support the Court's deference to California's regulatory authority.

JUSTICE SOTOMAYOR, concurring.
I join the majority and write separately to highlight the ban's role in protecting vulnerable minors. Conversion therapy's documented harms—depression, anxiety, and suicide risk—justify state intervention. The law does not target religion or speech but regulates harmful professional practices. Denying this protection would abandon minors to discredited therapies, undermining equal protection principles.

JUSTICE JACKSON, concurring.
I join the majority and Justice Sotomayor's concurrence. The ban is a critical safeguard for minors, particularly those in marginalized communities, who face disproportionate harm from conversion therapy. The First Amendment does not shield harmful professional conduct, and the law's neutral application avoids free exercise concerns. The Court's ruling upholds both child welfare and constitutional values.

Judgment
The judgment of the United States Court of Appeals for the Ninth Circuit is affirmed.